Amendments to Senate Bill No. 426
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Natural Resources Committee

Prepared by Greg Petesch
February 20, 2009 (9:43am)

1. Title, line 4.
Following: "COMPACT"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 7.
Strike: "compact"
Insert: "Compact"

3. Page 2, line 9.
Strike: "2"
Insert: "3"
Following: "5"
Strike: ","
Insert: "and"
Following: "6"
Strike: ", 7, and 8"

4. Page 2, line 14.
Following: "1.5 Animal"
Strike: "Unit"
Insert: "Units,"

5. Page 2, line 15.
Strike: "and"
Strike: "Unit"
Insert: "Units, one elk equals 0.75 Animal Units, and one mule
    deer, whitetail deer, bighorn sheep, or antelope equals 0.2
    Animal Units"

6. Page 3, line 5.
Following: line 4
Insert: "(13) "Nonconsumptive Use" means the use of a water right
    considered to be nonconsumptive by the decree, permit, or
    law authorizing the use because it results in no depletion
    of water from the source."
Renumber: subsequent subsections

7. Page 3, line 20.
Following: "bison"
Insert: "and other mammals"

8. Page 3, line 21.
Following: "267"
Insert: ", 35 Stat. 1051"

9. Page 3, lines 25 through 27.
Strike: line 25 through line 27 in their entirety

10. Page 3, line 28.
Strike: "2."
Insert: "1."

11. Page 3, line 29.
Strike: "Current Wildlife"
Insert: "Consumptive"
Strike: "consumptive use"
Insert: "Consumptive Use"

12. Page 3, line 30.
Strike: "3"
Insert: "2"
Strike: "Wildlife Use"
Insert: "Consumptive Use for wildlife purposes"

13. Page 4, line 1.
Following: "exceed the"
Insert: "amount of water needed to feed and water the"

14. Page 4, line 3.
Strike: "4"
Insert: "3"

15. Page 4, lines 4 through 7.
Strike: "Bird Habitat" on line 4
Insert: "Nonconsumptive"
Following: "Use." on line 4
Strike: remainder of line 4 through "Compact." on line 7

16. Page 4, line 8.
Following: "for"
Insert: "largely Nonconsumptive Uses to fill"
Strike: "Ponds"
Insert: "Potholes, when the water is naturally available,"
Strike: "151"
Insert: "177"

17. Page 4, line 9.
Following: "Creeks"
Strike: "for the maintenance of loafing and rearing habitat for
     birds"

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Insert: ", when such flows are naturally available"

18. Page 4, line 10.
Strike: "6"
Insert: "4"

19. Page 4, line 11.
Strike: "3."
Insert: "2."

20. Page 4, line 12.
Strike: "consumptive use"
Insert: "Consumptive Use"

21. Page 4, line 15.
Strike: "non-consumptive"
Insert: "Nonconsumptive Uses for"
Following: "administrative"
Strike: "uses"
Insert: "purposes"

22. Page 4, line 16.
Strike: "7"
Insert: "5"

23. Page 4, line 18.
Strike: "consumptive use"
Insert: "Consumptive Use"

24. Page 4, line 22.
Strike: "4."
Insert: "3."

25. Page 4, line 26.
Strike: "consumptive use"
Insert: "Consumptive Use"

26. Page 4, line 27.
Strike: "5."
Insert: "4."

27. Page 4, line 28 through page 5, line 1.
Strike: "a." on line 28 through "b." on line 30
Following: "rights" on line 30
Strike: remainder of line 30 through "B.3.," on page 5, line 1
Insert: "quantified in the Compact"

28. Page 5, lines 2 through 4.
Strike: "6." on line 2

Insert: "5."
Following: "in" on line 2
Strike: remainder of line 2 through "B.3." on line 3
Insert: "this Compact"
Following: "1908" on line 3
Strike: remainder of line 3 through "1921" on line 4

29. Page 5, line 7.
Strike: "2"
Insert: "3"
Following: "4,"
Insert: "and"
Following: "5"
Strike: ", 6, and 7"

30. Page 5, line 8.
Strike: "current"

31. Page 5, line 23.
Strike: "right"
Insert: "rights"

32. Page 6, line 1.
Strike: "consumptive use"
Insert: "Consumptive Use"

33. Page 6, lines 17 and 18.
Following: "diversion" on line 17
Strike: "and measurement"
Strike: "consumptive use"
Insert: "Consumptive Use"
Following: "Compact" on line 17
Strike: remainder of line 17 through "herein" on line 18

34. Page 6, line 28.
Strike: "III.B.3.(b)"
Insert: "III.B.2.(b)"

35. Page 6, line 29.
Strike: "III.B.3.(a)"
Insert: "III.B.2.(a)"

36. Page 6, line 30.
Strike: "III.B.3."
Insert: "III.B.2."

37. Page 7, line 1.
Strike: "."
Insert: "; and"

38. Page 7, line 4 through line 25.
Strike: lines 4 through 25 in their entirety
Insert: "1. Nonconsumptive Uses. Water rights specified in this
    Compact for natural flow or other Nonconsumptive Uses shall
    not be subject to Change in Use, provided that the emergency
    use of water for fire suppression as provided for in Article
    III.B.3 shall not be deemed a Change in Use or violation of
    a water right for natural flow.
    2. Consumptive Uses. The United States may make a Change in
Use of its Consumptive Use water rights described in Article III
of this Compact provided that:
    (a) the Change in Use shall be in fulfillment of the
purposes of the National Bison Range;
    (b) the total Consumptive Use shall not exceed the amount
described in this Compact;
    (c) the Change in Use shall not adversely affect any water
right Arising Under State Law; and
    (d) with the exception of the provisions governing a change
in the purpose for which the water right is used, the United
States, in making the change, shall comply with the provisions of
the Montana Water Use Act, Title 85, chapter 2, MCA, applicable
to change in appropriation rights at the time of the change."

39. Page 7, line 26.
Strike: "4."
Insert: "3."

40. Page 7, line 27.
Strike: "III.B.4"
Insert: "III.B.3"

41. Page 8, line 1.
Strike: "III.B.3.(b)"
Insert: "III.B.2.(b)"

42. Page 8, line 4.
Strike: "III.B.4"
Insert: "III.B.3"

43. Page 10, line 1.
Strike: "compact"
Insert: "Compact"

44. Page 10, line 13.
Strike: "This"
Insert: "this"

45. Page 10, line 17.
Strike: "effective date"

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Insert: "Effective Date"

46. Page 10, line 18.
Strike: "party"
Insert: "Party"

47. Page 10, line 23.
Strike: "party"
Insert: "Party"

48. Page 10, line 25.
Strike: "This"
Insert: "this"

49. Page 11, line 4.
Strike: "8"
Insert: "6"

50. Page 11, line 9.
Following: the first "Date of"
Strike: "This"
Insert: "this"
Following: the second "Date of"
Strike: "This"
Insert: "this"

51. Page 11, line 30.
Insert: "NEW SECTION.   **Section 3.   {standard} Effective date.**
[This act] is effective on passage and approval."

- END -